

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

UNITED STATES OF AMERICA)
vs.) NDGA Case No. 4:11-CR-38-01-RLV
RANDALL TODD SMITH) EDTN Mag. No. 1:12-MJ-7
) JUDGE CARTER

MEMORANDUM AND ORDER

The defendant appeared for a hearing before the undersigned on January 6, 2012, and November 9, 2011, in accordance with Rules 5 and 5.1 of the Federal Rules of Criminal Procedure for an initial appearance of the defendant on a Petition for Warrant and Order to Show Cause why Bond Should not be Revoked (Petition) out of the Northern District of Georgia. Those present for the hearing included:

- (1) AUSA James Brooks for the USA.
- (2) The defendant, RANDALL TODD SMITH.
- (3) Attorney Myrlene Marsa for defendant.
- (4) Deputy Clerk Kelli Jones.

At both hearings, after being sworn in due form of law, the defendant was informed or reminded of his privilege against self-incrimination accorded him under the 5th Amendment to the United States Constitution.

It was determined the defendant wished to be represented by an attorney and he qualified for the appointment of an attorney to represent him at government expense. Federal Defender Services of Eastern Tennessee, Inc. was APPOINTED to represent the defendant. It was ascertained defendant had been provided with a copy of the Petition and had the opportunity of reviewing those documents with his attorney. It was determined the defendant was capable of being able to read and understand the copy of the aforesaid documents he had been provided.

AUSA Brooks moved defendant be detained without bail pending a hearing in the Northern District of Georgia.

Findings

- (1) The defendant waived his Rule 5 identity hearing. The defendant asked to have a hearing on the Petition on Supervised Release in the Northern District of Georgia.

Conclusions

It is ORDERED:

- (1) Defendant shall be DETAINED WITHOUT BAIL pending his transfer to the Northern District of Georgia.
- (2) The U.S. Marshal shall transport defendant to the Northern District of Georgia at Atlanta for a hearing on a date to be determined once defendant is in said district.

ENTER.

S /William B. Mitchell Carter

UNITED STATES MAGISTRATE JUDGE